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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,289	02/26/2004	John Prudden JR.	00216-620001	4946

27752 7590 04/18/2007  
THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.  
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CINCINNATI, OH 45224

EXAMINER
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HAMILTON, ISAAC N

ART UNIT	PAPER NUMBER
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3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/787,289

Applicant(s)

PRUDDEN ET AL.

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, ° WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the arcuate channels, radius and curved valleys must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 20-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The following limitations were not described in the specification at the time the application was filed: Claim 20 “arcuate channels” and “towards opposing end of the razor blade prior to encountering the razor blade” and “are configured to trap and evenly distribute shaving aid on the skin forward of the razor blade on the surface being shaved”; Claim 23, “a radius that varies from at least one other of the arcuate channels”; Claim 24, “arcuate channels are cut, etched, or molded into the skin-engaging surface”; Claim 25, “the guard is manufactured from a rubber, foam, a thermoplastic material, a thermoset material, or a combination of at least two of the forgoing materials”; Claim 28, “arcuate channels” and “towards the two ends of the frame prior to encountering the at least one blade” and “are configured to trap and evenly distribute shaving aid on the skin forward of the at least one blade on the surface being shaved”; Claim 29, “a radius that varies from at least one other of the arcuate channels”; Claim 31, “towards the two ends of the frame” and “the arcuate channels are configured to trap and evenly distribute shaving aid on the skin forward of the at least one blade”; Claim 34, “a radius that varies from at least one other of the arcuate channels”; Claim 35, “a plurality of curved valleys”; claim 38, “a radius that varies from at least one other of the curved valleys”; Claim 39, “curved valleys are molded into the skin engaging structure”; Claim 43, “curved valleys”; claim 44, “a radius that varies from at least one other of the curved valleys”; Claim 46, “curved valleys”; claim 49, “a radius

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that varies from at least one other of the curved valleys". Where are the valleys and the channels? Are they between the peaks of the fins? How are their radii different? How do the valleys/channels trap and evenly distribute shaving aid to the skin? Where does the shaving aid come from?

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard (7,200,937) in view of Schachter (4,998,347). Richard discloses guard 80; skin engaging surface/structure 90; plurality of channels/valleys shown at the right and left ends of element 90, juxtaposed the fins as shown in figure 1; blade with cutting edge 50; cap 20; handle 14; the channels/valleys are capable of pre-stretching the skin during shaving in a direction forward of razor blade 50 positioned in razor cartridge/frame 70, 100, 80 and toward opposing ends 100 of the razor blade prior to encountering the razor blade; the channels/valleys are capable of trapping and evenly distributing shaving aid on the skin forward of the razor blade on the surface being shaved; the skin-engaging surface extends at least part way across a length of the razor cartridge as shown in figure 1; ends of the arcuate channels extend back towards the opposing ends of the razor blade as shown in figure 1; the apparatus is manufactured from a combination of thermoplastic material and rubber as recited in column 3, lines 40-43; two sets of pluralities of channels/valleys are shown at the right and left ends of element 90 as shown in figure 1, which

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are equidistantly positioned on the skin-engaging surface; skin-engaging elements 10, 20, 30, 40, 50, 80, 90; the razor cartridge is removably mounted on the handle, and the razor cartridge is pivotally mounted on the handle as recited in column 3, lines 47-59.

Richard does not disclose arcuate channels or curved valleys, however, Schachter teaches arcuate channels and curved valleys 22. It would have been obvious to provide arcuate channels or curved valleys in Richard as taught by Schachter in order to provide the appropriate degree of tension, friction, and drag upon the skin of the user.

Regarding claims 23, 29, 34, 38, 44 and 49, Richard does not disclose that the arcuate channels and the curved valleys have a radius that varies from at least one other of the arcuate channels or curved valleys. However, Schachter teaches varying the width of the channels and grooves, which would vary the radii of the channels and grooves. It would have been obvious to provide arcuate channels and curved valleys with radii that vary from at least one other of the arcuate channels or curved valleys in Richard as taught by Schachter in order to provide different effects upon the skin of the user.

Regarding claims 24 and 39, the method by which the channels/valleys are formed does not further limit the structure of the apparatus.

### ***Response to Arguments***

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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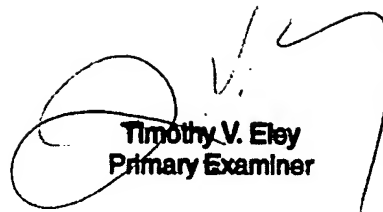
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April 15, 2007

  
**Timothy V. Eley**  
**Primary Examiner**